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Letter dated 15 February 2011 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I have the honour to enclose a letter dated 14 February 2011 addressed to you by the Minister of Foreign Affairs of the Republic of Macedonia, Antonio Miloshoski (see annex). The letter responds to a letter addressed to you by the Minister of Foreign Affairs of the Hellenic Republic, Dimitris P. Droutsas, dated 12 November 2010, forwarded to you by way of a letter from the Permanent Representative of the Hellenic Republic to the United Nations, Anastassis Mitsialis, dated 21 December 2010 and circulated by you in document A/65/667-S/2010/672, dated 30 December 2010.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 117, and of the Security Council.

(*Signed*) Slobodan **Tashovski**
Permanent Representative

11-23722 (E) 220211

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Annex to the letter dated 15 February 2011 from the Permanent Representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General

I have the honour to address you with regard to the letter from H.E. Mr. Dimitris P. Droutsas, Minister for Foreign Affairs of the Hellenic Republic, dated 12 November 2010 (see A/65/667-S/2010/672, annex).

By way of introduction, I note the significant delay between the date of the letter (12 November 2010) and its circulation (the letter was forwarded to you by way of a letter from the Permanent Representative of the Hellenic Republic to the United Nations, Anastassis Mitsialis, dated 21 December 2010, and circulated by you on 30 December 2010).

The letter makes a number of factually and legally incorrect assertions concerning my country, to which I must respond. The first inaccurate claim is that the Republic of Macedonia has failed to negotiate in good faith to reach a solution concerning the difference over the name of my country. The second is that we are alleged to have engaged in practices of "antiquization" and "provocation", in breach of the Interim Accord signed between the Hellenic Republic and the Republic of Macedonia in 1995. The Republic of Macedonia strongly rejects both allegations, which are based on fundamental misrepresentations of fact and law.

With respect to the negotiations concerning the difference over the name of my country, the Republic of Macedonia has engaged actively and constructively in good faith negotiations since the adoption of Security Council resolution 817 (1993), through the mediation process led most recently by your Personal Envoy, Matthew Nimetz. In the course of those negotiations, the Republic of Macedonia accepted a number of proposals put forward by Mr. Nimetz as a basis for a solution, including the proposal of March 2008 of "Republic of Macedonia (Skopje)", which the Hellenic Republic regrettably rejected.

The acceptance of these proposals represented a departure by my country from its preferred position, with the aim of facilitating a mutually acceptable solution. In making these concessions we have sought to address Greek concerns, being guided by a spirit of goodwill and good-neighbourly relations. We have repeatedly reiterated our firm commitment to the negotiation process and our determination to resolve the difference that has arisen over the name. That is why Mr. Nimetz has commended us for our serious efforts in seeking to resolve the difference. As I reiterated to you last time when we exchanged views, we are eager to ensure that the stalled negotiation process is reinvigorated. We were thus very pleased at the scheduling of the recent meeting with your Personal Envoy, which took place in New York on 9 February, and we look forward to the next round of talks.

My country also demonstrated its strong commitment to developing and maintaining good-neighbourly relations with our Greek neighbour, through its participation in a series of high-level bilateral contacts with the Hellenic Republic over the past 16 months. These talks were rendered possible by a welcome change in Greek policy in 2009, permitting the resumption of such contacts. We have approached this parallel process, intended to facilitate the negotiations undertaken under your auspices, with good faith. In order to further develop mutual cooperation between our two countries, and to assist in developing a climate of good-neighbourliness conducive to resolving the difference over the name, the Republic

of Macedonia has in good faith proposed and retabled a number of initiatives intended to assist the advancement of bilateral relations. Macedonia remains hopeful that the Hellenic Republic will reconsider its initial negative response to those initiatives.

The Republic of Macedonia also remains hopeful that the Hellenic Republic will depart from its self-stated "non-negotiable" "red line" position of seeking unilaterally to impose its demands for "a compound name with a geographical qualifier for all uses and purposes". Indeed, the Hellenic Republic's approach to the mediation process envisages an obligation on the Republic of Macedonia to simply acquiesce to unilateral "non-negotiable" demands made by the Hellenic Republic. Yet a compromise and enduring solution to the difference will be reached only if account is taken of both parties' positions, as well as of the fundamental principles of international law, including respect for the integrity and equality of sovereign States.

The Hellenic Republic also has sought to impose its demands on the Republic of Macedonia through a strategy of actions intended to limit our Euro-Atlantic and European integration. Pursuant to this strategy, and with the purpose of seeking to pressure our country into accepting its demands in the name of negotiations, the Hellenic Republic objected to the admission of my country to North Atlantic Treaty Organization membership in 2008. That objection is currently the subject of a case before the International Court of Justice, where we seek, inter alia, a declaration that the Hellenic Republic has violated the letter and spirit of the Interim Accord of 1995.

With respect to the Hellenic Republic's second allegation, it is unclear in what sense "relief representations" constructed "as part of the 'Skopje 2014' plan" have any connection to the name negotiations. In any event, the Republic of Macedonia rejects the assertion that it has engaged in practices of "antiquization" or "provocation" in violation of the Interim Accord of 1995 in relation to "a series of relief representations", or otherwise. It also refutes in the strongest terms the misrepresentation made by the Hellenic Republic that the Republic of Macedonia "refuses to take any corrective actions" pursuant to article 7, paragraph 3, of the Interim Accord. The allegation made by the Hellenic Republic is based on a fundamental misrepresentation of the facts, and of the meaning of article 7, paragraph 2, and 7, paragraph 3, of the Interim Accord.

The facts of the matter are as follows:

On 1 November 2010 the Macedonian Ministry of Foreign Affairs received a note verbale from the Liaison Office of the Hellenic Republic in Skopje, alleging a violation by the Republic of Macedonia of article 7 of the Interim Accord in the form of "a series of relief representations of prominent Greek historical figures of Ancient Macedonia, such as the Vergina sun ... on the basis [sic] of the lion statues at the "Goce Delcev" road bridge in Skopje". The reconstruction of this bridge forms part of the "Skopje 2014" plan, referred to in the letter from the Hellenic Republic.

The Ministry of Foreign Affairs of the Republic of Macedonia, in keeping with its obligations under the Interim Accord, reviewed the matters raised by the Hellenic Republic and responded on 1 December 2010, informing the Hellenic Republic that the symbol formerly displayed on the Republic of Macedonia's national flag (termed

the "Vergina sun" by the Hellenic Republic) had been removed from the statues on the bridge in question. The note verbale read in material part as follows:

> "... In accordance with article 7, paragraph 3, of the Interim Accord and in the spirit of good-neighbourly relations, the Ministry is pleased to inform the Liaison Office of the Hellenic Republic that, subsequent to further investigations into the matters raised, it has taken action to ensure that the symbol formerly displayed on the national flag of the Republic of Macedonia will not appear on the completed lion statues at the Goce Delcev road bridge. As the Liaison Office of the Hellenic Republic may be aware, at the time this matter was raised with the Macedonian Foreign Ministry, and at the time the action by the Foreign Ministry was taken, the lion statues at the Goce Delcev road bridge were still under construction, and remain so to date ...".

As such, the allegation that my country "refuses to take any corrective actions" is plainly without foundation. It was erroneous on 12 November 2010 when the Minister of Foreign Affairs of the Hellenic Republic penned his letter to the United Nations: as of that date, the Republic of Macedonia had not yet responded to the Hellenic Republic's note verbale. And it was fundamentally misrepresentative of the facts on 21 December 2010 when it was forwarded to you for distribution: by that date, my country had responded by way of a reply note verbale, setting out the "corrective actions" of which the Hellenic Republic was aware.

This reply note verbale from the Ministry of Foreign Affairs of the Republic of Macedonia, dated 1 December 2010, refuted the Hellenic Republic's claim that "relief representations" of historical figures from the region are capable of constituting a breach of article 7 of the Interim Accord. It further invited the Hellenic Republic to explain the basis for such a claim:

> "... the Ministry of Foreign Affairs reiterates its position that artistic representations of important historic figures from the region, such as those which appear on the lions on the Goce Delcev bridge, are in no way inconsistent with the requirements of the 1995 Interim Accord. The Interim Accord does not and was never intended to curtail artistic expression, as the commitment undertaken by both Parties in article 9 makes clear. The Ministry once again expresses its hope that the Hellenic Republic does not seek to undermine the freedom of expression that is reflected in the right of artistic expression in either of our countries.
>
> Insofar as the Hellenic Republic asserts that the artistic depiction of historical figures is capable (1) of amounting to a breach of article 7 of the 1995 Interim Accord or (2) of engaging the provisions of article 7, paragraph 3, of the same accord, the Ministry of Foreign Affairs of the Republic of Macedonia reiterates its previous request — that remains unanswered — that the Hellenic Republic clarify the basis for that assertion ...".

It is unclear why the Hellenic Republic chose not to engage in dialogue conducive to the promotion of good-neighbourly relations, by responding to the questions raised in the Republic of Macedonia's note verbale. Instead, the Hellenic Republic sought to escalate the matter, by writing to you on the basis of a misperception of the facts and law. I regret very much this approach, which appears to be connected with the pending case before the International Court of Justice.

In closing, I wish to emphasize that my Government remains fully and firmly committed to all the undertakings enshrined in the 1995 Interim Accord, and to the United Nations negotiation process under your auspices relating to resolution of the name issue. We hope that the difference over the name can be brought to a swift and successful conclusion. The Republic of Macedonia remains ready and willing to reach a mutually acceptable resolution.

(*Signed*) Antonio **Miloshoski**